

A G E N D A
BOARD OF SHELBY COUNTY COMMISSIONERS
CHARTER FORM OF GOVERNMENT
JANUARY 24, 2005

1:30 P.M.	COMMISSION CONVENES
CALL TO ORDER	Deputy Sheriff Ricky Jackson
INVOCATION	Dr. Benjamin Hooks Greater Middle Baptist Church

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Sessions

FORD ADOPTED	January 10, 2005
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C O N S E N T A G E N D A

Resolutions of Memorial, Sympathy and Commendation

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| FLINN
ADOPTED | 1. Memorial Resolution in honor of Mrs. Evelyn Rout-Thurmon, mother of former Shelby County Mayor Jim Rout. |
| HOOKS
ADOPTED | 1A. Resolution acknowledging January 28, 2005, as Dr. Benjamin L. Hooks Appreciation Day” in Shelby County, Tennessee. |

Ordinances

- | | |
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| FORD
APPROVED | 2. <u>ORDINANCE – SECOND READING</u> – An Ordinance to adopt Supplement No. 26 to the Code of Shelby County, Tennessee. |
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Zoning and Subdivisions

Reports and/or Resolutions of Standing Committees

MOSS
ADOPTED

3. Resolution authorizing the execution of a lease agreement with Vulcan Construction Materials, LP, for certain lands on President's Island, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on June 24, 2004.

MOSS
ADOPTED

4. Resolution authorizing execution of an agreement with RHA Corporation for the exchange and conveyance of property, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on August 27, 2004.

FORD
ADOPTED

5. Resolution requesting approval to amend the Memphis and Shelby County Health Department FY 2004/2005 Operating Budget and to appropriate funds in the amount of \$89,244.00 carried forward from FY 2003/2004 in the HIV/AIDS Prevention and Surveillance Program.

FLINN
ADOPTED

6. Resolution approving a service agreement with the University of Memphis to conduct an evaluation of the Shelby County Lead Hazard Control Program for a fee of Twenty Five Thousand Dollars (\$25,000.00) as part of the Lead Hazard Control Grant funded by the United States Department of Housing and Urban Development.

MOSS
ADOPTED

CONSENT AGENDA

REGULAR AGENDA

Elections, Appointments, and Confirmations

FORD
ADOPTED

7. Resolution approving the County Mayor's nomination of Kenneth W. Plunk and William L. Taylor for appointment to the Shelby County *Agricenter Commission*.

FORD
ADOPTED

8. Resolution approving the County Mayor's nomination of Henry H. Hancock for reappointment to the Memphis and Shelby County *Port Commission*.

FORD
ADOPTED

9. Resolution approving the County Mayor's nomination of Jerold L. Klein, Tommie (Elmyra) Pardue, Dr. Richard R. Ranta, Mary Unobsky, and Annabel Woodall for reappointment, and Paul Chandler and Isaac J. Singleton for appointment to the Memphis and Shelby County *Film Commission*.

Ordinances

MOSS
(DEFERRED
TO 04/25/05)

10. ORDINANCE – (ZTA 03-002 CC) THIRD READING – A
Joint Ordinance amending the Memphis an Shelby County Zoning Ordinance adopted by the Shelby County Board of Commissioners on October 6, 1980, and the Council of the City of Memphis on October 7, 1980; being Joint Ordinance No. 3064, as amended, by amending Section 29 - Signs
 Subsection III – Definitions;
 Subsection IV – Classification of signs;
 Subsection V – Signs prohibited;
 Subsection VI – General standards;
 Subsection VII – Permanent on-premise sign regulations;
And by creating a new Subsection XII – Violations, And a new Subsection XIII – Enforcement and Penalties; amending Section 30 – Nonconformities; Subsection E – Nonconforming on-premise and off-premise signs; providing for severability; providing for repeal of conflicting ordinance requirements; and providing an effective date.

Zoning and Subdivisions

MOSS
ADOPTED

11. CASE NO. P.D. 04-363 CC
APPLICANT: Latting Road Partners, LLC

LOCATION: South side of Latting Road; +276.45 feet east of Pisgah Road

REQUEST: A planned development to permit 71 single family detached lots with a minimum lot size of 10,000 square feet within the plan

Memphis and Shelby County Office of Planning and Development recommendation:
APPROVAL WITH CONDITIONS

Memphis and Shelby county Land Use Control Board recommendation:
APPROVAL WITH CONDITIONS

(Notice of public hearing published in the Daily News on Friday, December 10, 2004.)

**MOSS
ADOPTED**

12.

CASE NO. P.D. 04-370 CC

APPLICANT: Rusco Partnership

LOCATION: East side of Berryhill Road; +200 feet south of Huntington Oak Drive

REQUEST: A residential planned development consisting of a maximum of 334 lots (lots sizes range from 5,500 to 15,000 square feet)

Memphis and Shelby County Office of Planning and Development recommendation:
APPROVAL WITH CONDITIONS

Memphis and Shelby County Land Use Control Board recommendation:
APPROVAL WITH CONDITIONS

(Notice of public hearing published in the Daily News on Friday, January 14, 2005.)

Reports and/or Resolutions for Standing Committees

**KIRK
ADOPTED**

13.

Resolution to approve Shelby County Derivative Guidelines and Policy as of December 2004.

**KIRK
(RECEIVED/FILED
PLAN - AND
REFERRED TO
COMMITTEE AS A
WHOLE)**

14.

Resolution establishing debt reduction plan and 2006 budget targets.

**KIRK
ADOPTED
AS AMENDED**

15.

Resolution authorizing the issuance of General Obligation Variable Rate Demand Refunding Bonds, 2005 Series B of Shelby County, Tennessee, in the principal amount of not to exceed One Hundred Twenty-Five Million Dollars (\$125,000,000.00) pursuant to Sections 9-21-901 through 9-21-916, of the Tennessee Code Annotated (The "T.C.A.") for the purpose of refunding a portion of the County's General Obligation Refunding Bonds, 1995 Series A, issued pursuant to Sections 9-21-901 through 9-21-916 of the T.C.A. and financing the cost of certain termination fees relative to the termination of Swaptions executed by the County on December 18, 1998, and May 23, 2003, with respect to the anticipated refunding of a portion of the County's General Obligation refunding bonds, 1995 Series A; refunding a portion of the County's General Obligation Public Improvement Bonds, 1992 Series A, General Obligation School Bonds, 1992 Series A, General Obligation Public Improvement Bonds, 1996 Series A, General Obligation School Bonds, 1996 Series A, General Obligation Public Improvement and School Bonds, 1996 Series B, General Obligation Public Improvement and School Bonds, 1999 Series A, General Obligation Public Improvement and School Bonds, 1999 Series B, General

Obligation Public Improvement and School Bonds, 2000 Series A, General Obligation Public Improvement and School Bonds, 2001 Series A and General Obligation Public Improvement and School Bonds, 2003 Series A, Issued pursuant to Sections 9-21-101, et seq. and 49-3-1001, et seq. of the Tennessee Code Annotated; making provision for the raising annually by tax upon all property subject to taxation by Shelby County, Tennessee, of a sum sufficient to pay, as the same shall become due, the interest and principal of the bonds, authorizing the negotiated sale of the Bonds pursuant to the parameters set forth herein; appointing an escrow agent; authorizing the execution and delivery of an official statement and ratification of the distribution of a preliminary official statement; ratification of all actions taken by the Director of Administration and Finance, County Officials and their agents in obtaining the approval of Director of Local Finance for the refunding and negotiated sale of the Bonds; providing for the transfer of funds; approving the form of and authorizing the execution and delivery of an Escrow Deposit Agreement and Bond Purchase Agreement; authorizing the execution of documentation relative to the termination of the 1998 Swaption and 2003 Swaption; appointing financial advisors; authorizing proper officials to do all other things deemed necessary or advisable in connection with the issuance, sale and delivery of said Bonds; and providing an effective date.

KIRK
ADOPTED

16. A Resolution authorizing the issuance of General Obligation Refunding Bonds, 2005 Series A of Shelby County, Tennessee, in the principal amount of not to exceed Four Hundred Seventy-Five Million Dollars (\$475,000,000.00) pursuant to Sections 9-21-901 through 9-21-916, of the Tennessee Code Annotated (The "T.C.A.") for the purpose of refunding a portion of the County's General Obligation Refunding Bonds, 1995 Series A, issued pursuant to Sections 9-21-901 through 9-21-916 of the T.C.A. and financing the cost of certain termination fees relative to the termination of Swaptions executed by the County on December 18, 1998, and May 23, 2003, with respect to the anticipated refunding of a portion of the County's General Obligation Refunding Bonds, 1995 Series A; refunding a portion of the County's General Obligation Public Improvement Bonds, 1992 Series A, General Obligation School Bonds, 1992 Series A, General Obligation Public Improvement Bonds, 1996 Series A, General Obligation School Bonds, 1996 Series A, General Obligation Public Improvement and School Bonds, 1996 Series B, General Obligation Public Improvement and School Bonds, 1999 Series A, General Obligation Public Improvement and School Bonds, 1999 Series B, General Obligation Public Improvement and School Bonds, 2000 Series A, General Obligation Public Improvement and School Bonds, 2001 Series A and General Obligation Public Improvement and School Bonds, 2003 Series A, issued pursuant to Sections 9-21-101, et seq. and 49-3-1001, et seq. of the Tennessee Code Annotated; making provision for the raising annually by tax upon all property subject to taxation by Shelby County, Tennessee, of a sum sufficient to pay, as the same shall become due, the interest and principal of the bonds; authorizing the

negotiated sale of the bonds pursuant to the parameters set forth herein; appointing an escrow agent; authorizing the execution and delivery of an official statement and ratification of the distribution of a preliminary official statement; ratification of all actions taken by the Director of Administration and Finance, county officials and their agents in obtaining the approval of director of local finance for the refunding and negotiated sale of the bonds; providing for the transfer of funds; approving the form of and authorizing the execution and delivery of an Escrow Deposit Agreement and Bond Purchase Agreement; authorizing the execution of documentation relative to the termination of the 1998 Swaption and 2003 Swaption; appointing financial advisors; authorizing proper officials to do all other things deemed necessary or advisable in connection with the issuance, sale and delivery of said Bonds; and providing an effective date.

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| THOMPSON
(DEFERRED
TO 02/14/05) | 17. Resolution approving contract with the Wackenhut Corporation in the amount not to exceed \$295,730.00 for the provision of security services for all entrances to the Shelby County Division of Corrections Main Compound. |
| THOMPSON
(DEFERRED
TO 02/14/05) | 18. Resolution approving an increase in the FY 2004/2005 Budget of the Emergency Management Agency in the amount of \$428,125.00 for three (3) additional emergency response ambulances; approving amendment to the contract with Rural Metro Mid-South, LP, and authorizing the Mayor or his designee to negotiate an amendment to the Intergovernmental Agreement. |
| BOLTON
ADOPTED | 19. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend TCA Title 8 Chapter 13 Section 108 relative to duties of County Register.” |
| BOLTON
(DEFERRED
TO 02/14/05) | 20. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to authorize Shelby County to levy and collect a Privilege Tax on development in order to provide that development contribute its fair share of the cost of providing and maintaining public facilities and services made necessary by such development.” |
| BOLTON
ADOPTED
AS AMENDED | 21. Reconsideration of resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “An Act to amend Tennessee Code Annotated Title 67, Chapter 4, Part 5, relative to a tax on the privilege of recording transfers of realty”. |

Announcements/Statements

22. Notification from County Mayor of various appointments reappointments to Boards, Commissions, and offices of Shelby County Government.

- a. Resolution approving the county Mayor's nomination of Hughley Moore, Jr., and Juanita Terrell for reappointment and Ozeil R. Gavin for appointment to the Shelby County Housing Authority.**

(Referred to Committee #10)

Adjournment

**BOLTON
ADOPTED**

23. Resolution of Adjournment to February 14, 2005, at 1:30 p.m.

**For questions regarding the Agenda,
please call Steve Summerall at 545-4301.]**